

MAR 13 2015

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF FOUR TERM, NON-EXCLUSIVE EASEMENTS COVERING PORTIONS OF STATE SUBMERGED LANDS AT STABLE ROAD BEACH, STABLE ROAD, SPRECKLESVILLE, WAILUKU, MAUI, FOR THE USE, MAINTENANCE, AND REPAIR OF FOUR EXISTING ROCK GROINS.

1 WHEREAS, the Board of Land and Natural Resources approved
2 the Office of Conservation and Coastal Lands Small Scale Beach
3 Nourishment SSBN-MA-08-01 application under a State Programmatic
4 General Permit in May 2009 to allow the Stable Road Beach
5 Restoration Foundation, Inc., to install four temporary geo-tube
6 groins and beach nourishment on the Stable Road Beach; and
7

8 WHEREAS, other key permits were received, including a
9 Special Management Area Exemption 2008/0453 and Shoreline
10 Setback Approval 2008/0042 from the County of Maui in February
11 2009, a Water Quality Certification from the Clean Water Branch
12 of the Department of Health, and the issuance of Revocable
13 Permit No. S-7618 by the Land Division of the Department of Land
14 and Natural Resources; and
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16 WHEREAS, the temporary geo-tube groins and beach
17 nourishment immediately stopped the significant erosion of the
18 beach and allowed the beach to naturally gain sand and become
19 wider and deeper over the four years of placement; and
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21 WHEREAS, the benefits of the wider, deeper beach included
22 improved lateral beach access, improved use of recreational
23 activities including fishing, diving, windsurfing, walking, and
24 swimming, a beach habitat for endangered species, and protection
25 of the surrounding properties; and
26



1 WHEREAS, around September 2014, the Stable Road Beach
2 Restoration Foundation received its final key permit approvals
3 to construct four rock groins to replace the four temporary geo-
4 tube groins; and

5
6 WHEREAS, these permits included the following:

- 7
8 (1) An Environmental Assessment from the Office of
9 Conservation and Coastal Lands;
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11 (2) A published Finding of No Significant Impact from the
12 Office of Conservation and Coastal Lands;
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14 (3) The Conservation District Use Permit MA-3633 from the
15 Office of Conservation and Coastal Lands;
16
17 (4) The Department of the Army Permit POH-2011-00109 from
18 the United States Army Corps of Engineers;
19
20 (5) The Water Quality Certification Permit 0816 from the
21 Clean Water Branch of the Department of Health;
22
23 (6) The Special Management Area Minor Permit 2013/0116
24 from the County of Maui;
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26 (7) The Shoreline Setback Approval 2013/0048 from the
27 County of Maui; and
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29 (8) The Environmental Assessment Exemption 2013/0079 from
30 the County of Maui; and
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32 WHEREAS, on September 26, 2014, under agenda item D-6, the
33 Board of Land and Natural Resources approved to grant four term,
34 fifty-five-year non-exclusive easements to the owners of lots
35 adjacent to the groins, namely:

- 36
37 (1) The Association of Apartment Owners of Ainalani Lot 6;
38
39 (2) David B. Lim and Jan D. Lim, Trustees of the D & J
40 Family Trust dated August 30, 2006;
41



- 1 (3) Cortland K. Larned III, Elizabeth M. Larned, and Ian
2 Horswill; and
3
- 4 (4) James C. Riley, Trustee under Declaration of Revocable
5 Trust of James C. Riley dated November 21, 1989,
6 Jeanne A. Riley, Trustee under Declaration of
7 Revocable Trust of Jeanne A. Riley dated November 21,
8 1989, and Peter Klint Martin, Trustee of the Peter
9 Klint Martin Revocable Trust dated April 11, 1995, as
10 amended, for rock groins purposes;

11
12 and additionally issued an immediate construction right-of-entry
13 to the Stable Road Beach Restoration Foundation to construct the
14 groins, Spreckelsville, Wailuku, Maui, seaward of Tax Map Keys:
15 (2) 3-8-002:071, 074, 077, 078, and 094; and
16

17 WHEREAS, the temporary geo-tubes were entirely removed from
18 the Stable Road Beach and the four rock groins were installed by
19 November 5, 2014; and
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21 WHEREAS, since that time the beach has immediately gained
22 more sand, becoming wider and deeper; and
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24 WHEREAS, the rock groins will provide a long-term and
25 sustainable solution to chronic beach erosion having already
26 increased lateral beach access, improved beach use for
27 recreational activities including fishing, diving, windsurfing,
28 walking, and swimming, and provided a beach habitat for
29 endangered species and protection of the surrounding properties;
30 and
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32 WHEREAS, under the approval of the Board of Land and
33 Natural Resources, the grantees are required to pay the State
34 the fair market value of the easements as consideration of the
35 use of public lands to be determined by an independent
36 appraisal; and
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38 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
39 the prior approval of the Governor and prior authorization of
40 the Legislature by concurrent resolution to lease state
41 submerged lands; now, therefore,
42



S.C.R. NO. 163

1 BE IT RESOLVED by the Senate of the Twenty-eighth
2 Legislature of the State of Hawaii, Regular Session of 2015, the
3 House of Representatives concurring, that the Board of Land and
4 Natural Resources is authorized to issue four term, non-
5 exclusive easements covering a portion of state submerged lands
6 fronting the property identified as seaward of Tax Map Keys: (2)
7 3-8-002:071, 074, 077, 078, and 094: Spreckelsville, Wailuku,
8 Maui, for the use, maintenance, and repair of the existing four
9 rock groin structures pursuant to section 171-53, Hawaii Revised
10 Statutes; and

11
12 BE IT FURTHER RESOLVED that the Legislature reaffirms that
13 both customary beach access and parking will continue to be
14 permitted; and

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16 BE IT FURTHER RESOLVED that a certified copy of this
17 Concurrent Resolution be transmitted to the Chairperson of the
18 Board of Land and Natural Resources.

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OFFERED BY:

J. Kalani Egler

